

## HOOVER POLICE DEPARTMENT STANDARD OPERATING PROCEDURES

<b>EFFECTIVE DATE:</b> 06/15/2015	<b>REVISION DATE:</b>	<b>SECTION:</b> 100.18
<b>SUBJECT: PATROL DIVISION –</b> Body Worn Cameras (BWCs)	<b>APPROVED BY:</b> Nicholas C. Derzis, Chief of Police	
<i>NOTE: This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this Department for non-judicial administrative action in accordance with the laws and policies governing employee discipline.</i>		

### Purpose:

The purpose of this policy is to provide officers with instructions on when and how to use body-worn cameras (BWCs) so that officer contact with the public is recorded.

### A. Policy

This Department has adopted the use of the BWC to accomplish the following primary objectives:

1. BWCs allow for accurate documentation of particular types of police-public contacts, arrests, and critical incidents. BWCs also serve to enhance the accuracy of officer reports and testimony in court.
2. Audio and video recordings also enhance this Department's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.
3. BWCs may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

It is the policy of this Department that officers shall activate the BWC when such use is appropriate to the proper performance of his or her official duties and is consistent with this policy. Officers assigned to the use of these devices shall adhere to the operational objectives and protocols outlined herein so as to maximize the effectiveness and utility of the BWCs and the integrity of evidence and related video documentation. This policy does not govern the use of surreptitious recording devices used in undercover operations.

## **B. Procedures**

### **1. Use of the BWC:**

#### **a. Activation of Recording**

Except as otherwise provided herein, authorized users [as set forth in (B) (2) below] will wear BWCs at all times while on duty in any type of uniform. It is the policy of this Department to record with audio and video the following incidents:

- i. All calls for service in which citizen contact is made,
- ii. All traffic stops,
- iii. All citizen transports (excluding ride-alongs),
- iv. All investigatory stops and/or searches,
- v. All foot and/or car pursuits,
- vi. All interrogations,
- vii. Incidents involving the use of force,
- viii. Any encounter with the public that becomes adversarial after the initial contact.

Examples of these incidents include but are not limited to:

- Arrest of any person;
- Searches of any kind;
- Seizure of any evidence;
- Request for consent to search;
- Miranda warnings and response from in-custody suspects;
- Statements made by citizens and suspects;
- K-9 searches of vehicles;
- Issuances of written violations;
- Arriving at law enforcement events and/or citizen contacts initiated by other officers;
- DUI investigations, including field sobriety maneuvers;
- Domestic Violence calls; and/or
- Other incidents the officer reasonably believes should be recorded for law enforcement purposes.

#### **b. Termination of Recording**

The recording shall continue until the law enforcement event or citizen contact is completed and the citizen involved departs, or until the officer who is recording the event through a BWC discontinues his/her participation in the law enforcement event or citizen contact by leaving the scene, or a supervisor has authorized on camera that a recording may cease (unless the contact moves into an area restricted by this policy). In the event an officer deems it necessary to stop recording, he/she will make a verbal statement of their intent to stop the recording and the reason.

2. **Restrictions on Use of the BWC:**

BWCs shall be used only in conjunction with official law enforcement duties. The BWC shall not generally be used to record the following:

- a. Communications with other police personnel without the permission of the Chief of Police ("Chief");
- b. Personal conversations between officers and supervisors involving counseling, guidance sessions, or personnel evaluations;
- c. Other Department personnel during routine, non-enforcement related activities unless such recording is required by a court order or is authorized as a part of an administrative or criminal investigation;
- d. Encounters with undercover officers or confidential informants;
- e. When on break or otherwise engaged in personal activities;
- f. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room; or
- g. Strip searches.

3. **Discretion:**

An officer shall have the discretion to keep his/her camera turned off during conversations with crime witnesses and members of the community who wish to report or discuss criminal activity in their neighborhood.

4. **Privacy Concerns:**

a. Private Dwellings

In private dwellings, an officer may find that one party objects to the recording taking place; for example, where domestic abuse is apparent. In such circumstances, an officer should continue to record and explain the reasons for recording continuously.

b. Sensitivities connected with Faith

The filming in domestic circumstances could be an issue with some faiths. An example may be where the female may not have a face covering within the home. Officers should be aware of this fact and be sensitive to the wishes of those involved in these cases, which still attempting to secure the best evidence of any offenses that may have or have occurred.

5. **Failure to Record/Interruption:**

If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document in writing why a recording was not made, was interrupted, or was terminated.

**C. Requirements for BWC Use**

**1. Authorized Users / Proper Use:**

BWC equipment is issued primarily to uniformed personnel as authorized by this Department. Officers who are assigned BWC equipment will wear the equipment as directed by the Department. Officers will make every effort to ensure that the BWC is capturing events by positioning and adjusting the BWC to record the event.

**2. Only Departmental BWCs Authorized for Use:**

Police personnel shall use only BWCs issued by this Department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Department.

**3. Training:**

Police personnel who are assigned BWCs must complete a Department approved and/or provided training program to ensure proper use and operations before being equipped with a BWC. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.

**4. Responsibility for Proper Care and Functioning:**

BWC equipment is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be procured.

**5. Testing Required Prior to Each Shift:**

Officers shall inspect and test the BWC prior to each shift in order to verify proper functioning. In the event that the equipment is found to be functioning improperly, the officer shall report the problem immediately to their immediate supervisor so that the information can be documented, and arrangements made for repair.

**6. Recordings:**

Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Chief or his/her designee. If any question arises regarding the tampering, deleting, or copying of data, a forensic examination of the camera(s) and/or video(s) may be conducted, if necessary.

**7. Training Value:**

Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.

**D. Storage**

**1. Downloading of BWC Data:**

All files <sup>1</sup> shall be securely downloaded periodically by the recording officer. Each file shall contain information related to the date, BWC identifier, and assigned officer. Officers should properly categorize and tag body-worn camera videos as directed by the Department. In certain situations (e.g., an officer-involved shooting), the officer's supervisor shall take immediate physical custody of the officer's camera and download the data.

**2. Recordings Exclusive Property of Department:**

All images and sounds recorded by the BWC are the exclusive property of this Department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.

**3. Retention:**

Files should be securely stored in accordance with state records retention laws and no longer than useful for purposes of training or for use in an investigation or prosecution.

**E. Supervisory Responsibilities**

**1. Utilization in Accordance with Policy:**

Supervisory personnel shall ensure that officers equipped with BWC devices utilize them in accordance with policy and procedures defined herein.

**2. Random Review to Ensure Proper Operation by Officers:**

At least on a monthly basis, supervisors will randomly review BWC recordings to ensure that the equipment is operating properly and that officers are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required. Following such review, supervisors will address any performance issues present on such recordings.

**F. Access / Review of BWC Footage / Deletions**

**1. Access to BWC Files:**

All access to BWC files must be specifically authorized by the Chief or his/her designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes. Access to BWC files are subject to open records requests as allowed by Alabama law. Recordings that are the subject of a denied open records request will be maintained until the dispute between the Department and the person or entity requesting the records is resolved.

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<sup>1</sup> For the purpose of this document, the term "file" or "files" refers to all sounds, images, and associated metadata.

2. **Civilian Review:**  
Civilians shall not be allowed to review the recordings at the scene. Civilians will not be allowed to review recordings, except as follows:
  - a. Approved by the Chief or his/her designee;
  - b. Through the process of discovery; and/or
  - c. By proper public records request.
3. **Access Limited / Supervisor Review Authorized:**  
Digital media from the BWCs shall be stored on a secured server with access limited to supervisory personnel designated by the Chief.
4. **Viewing of Video by Officer:**  
If an officer is suspected of wrongdoing or involved in an officer-involved shooting or other serious use of force, the Department reserves the right to limit or restrict an officer from viewing the video file. However, such officer will be allowed to view the video prior to making a statement about the incident.
5. **Random Review of Recording Footage:**  
An internal audit periodically will be conducted with a random review of BWC footage to monitor compliance with the program and assess overall officer performance.
6. **Requests for Deletion:**  
Requests for deletion of portions of the recordings (e.g., in the event of a personal recording) must be approved by the Chief or his/her designee in accordance with state record retention laws.